

Message Text

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PAGE 01 MEXICO 00548 150213Z
ACTION L-03

INFO OCT-01 ARA-10 ISO-00 H-02 DHA-02 CIAE-00 INR-07
NSAE-00 /025 W

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FM AMEMBASSY MEXICO
TO SECSTATE WASHDC 0000

UNCLAS MEXICO 0548

E.O. 11652: N/A
TAGS: PFOR, MX
SUBJ: TREATY ON EXECUTION OF PENAL SENTENCES - TEXTURAL
DISCREPANCIES

REF: VAGTS/GAITHER TELECON, JA. 12, 1977

1. EMBASSY LEGAL ADVISER GAITHER MET WITH FOREIGN RELATIONS
SUB-SECRETARY ROSENZWEIG DIAZ ON JANUARY 13 TO DISCUSS
DIFFERENCES BETWEEN SPANISH AND ENGLISH TEXTS OF TREATY.
2. ANY ALTERATION OF SPANISH TEXT PRESENTS DIFFICULTIES
DUE TO THE FACT THAT THE MEXICAN SENATE RATIFIED THAT TEXT.
ROSENZWEIG WILL LOOK INTO THE LEGAL/PROCEDURAL ASPECTS BUT
WAS OF INITIAL VIEW THAT THE PREFERABLE PROCEDURE WOULD BE
TO EXCHANGE NOTES. IF THIS PROCEDURE IS NOT POSSIBLE,
THE PROBLEM ARISES AS TO WHETHER THE GOM WOULD HAVE TO GO
BACK TO THE SENATE WHICH WILL NOT MEET BEFORE SEPTEMBER
AND / OR COULD PREVENT EXCHANGE OF RATIFICATIONS ASSUMING
U.S. SENATE GIVES ITS EARLY ADVICE AND CONSENT.

3. OF THE ELEVEN POINTS RAISED, RESENZWEIG AGREED THAT
TWO DID REQUIRE ACTION: ARTICLE II (1) ("QUANTITY OF
PROPERTY" VS "VALOR DE OBJETOS" AND THE SENTENCE
OMITTED IN THE SPANISH TEXT OF ARTICLE IV(7) .)

4. ROSENZWEIG WISHED CONSIDER THE POINT OF DIFFERENCE
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PAGE 02 MEXICO 00548 150213Z

RELATING TO "LA CONDENA CONDICIONAL" IN ARTICLE V (2) AND
OPINED THAT HE WOULD WISH TO ALIGN THE SPANISH TEXT IN
ARTICLE VIII(1) BY REFERRING TO "THE TRANSFER".

5. FOLLOWING OBSERVATIONS MADE ON DIFFERENCES:
(A) ARTICLE II(3). "DOMICILIADO" IS TERM WHICH IS CORRECT
TRANSLATION BY GOM. SAME WORD IS USED IN SPANISH TEXT

OF DEFINITIONS ARTICLE IV(4).

(B) ARTICLE IV(5). LACK OF "TRANSFERRED" IN SPANISH TEXT IS THOUGHT TO BE UNIMPORTANT OMISSION. TEXT IS CLEAR GIVEN CONTEXT.

(C) ARTICLE IV(7). "CERTIFICATION" IS WORD MOST MEANINGFUL LEGALLY TO GOM. COMPARISON OF COMPLETE PARAGRAPH APPEARS TO RESOLVE ANY DIFFICULTY. NOTE SECOND SENTENCE OF ENGLISH TEXT WHICH REQUIRES "STATEMENTS" TO BE "DULY AUTHENTICATED".

(D) ARTICLE V(2). "COMPEMIENTO" IS THOUGHT TO BE CORRECT TRANSLATION IN MEXICAN LEGAL USAGE.

(E) ARTICLE VI. GIVEN INTENT OF PARTIES, SEE NO DIFFICULTY IN TRANSLATION OF "ACTION" BY DECISION".

(F) ARTICLE II(6). FAILURE OF TWO TEXTS TO BE PARALLEL IS DUE TO DIFFERING LEGAL SYSTEMS AND WAS AN AGREED DIFFERENCE.

(G) ARTICLE V(1). NEITHER SIDE SEES A DIFFICULTY IN UNDERSTANDING EITHER TEXT.

6. SUBSEQUENT TO GAITHER/MCQUADE TELECON, FORMER SPOKE WITH ROSENZWEIG TO POINT OUT ALTERNATIVE METHODS OF RESOLVING DIFFERENCES -- I.E., EXCHANGE OF NOTES ON BASIS OF EDITORIAL CORRECTIONS OR ON BASIS OF INTERPRETATION. ROSENZWEIG WILL CONSIDER ALTERNATIVES AND CONTACT LEGAL ADVISER ON TUESDAY, JANUARY 18.
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Message Attributes

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Copy: SINGLE
Sent Date: 14-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
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